



Honorable Linda B. Riegle
United States Bankruptcy Judge



Entered on Docket
5 April 09, 2012

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**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE
COMPANY,

Debtor.

Case No. BK-S-06-10725-LBR
Chapter 11

**Order Scheduling Settlement Conference
Re Walls Family Trust Dated 12/10/97**

**Settlement Conference Date: June 11, 2012
Time: 9:00 a.m.**

A settlement conference is hereby ordered to commence on **June 11, 2012 at 9:00 a.m.** before the Hon. Gregg Zive, at the United States Bankruptcy Court, Courtroom # 1, 300 Booth Street, Reno, NV 89509. Counsel of record and the parties must be present in person at the conference. In the case of non-individual parties, a representative with binding settlement authority must attend the settlement conference. Only upon obtaining an order from the settlement conference judge in advance of the settlement conference may a client participate telephonically. Any requested exception to the attendance requirements must be submitted to Judge Zive for approval in advance of the settlement conference. The settlement conference shall not be continued or vacated without prior approval of

1 Judge Zive. IF EITHER PARTY FAILS TO ATTEND THE SETTLEMENT
2 CONFERENCE, THE COURT MAY IMPOSE SANCTIONS.

3 **PREPARATION FOR SETTLEMENT CONFERENCE**

4 **No later than seven business days before the settlement conference, the parties**
5 **shall exchange written settlement offers. No later than four business days before the**
6 **settlement conference each party shall submit a confidential settlement conference**
7 **statement to Judge Zive's Chambers.** The confidential statements will include a copy of
8 the last settlement offers. Only Judge Zive will be allowed to review the confidential
9 statements. **The settlement conference statement should be delivered directly to Judge**
10 **Zive's chambers in an envelope clearly marked "Contains Confidential Settlement**
11 **Brief" or faxed to Judge Zive's chambers at (775) 326-2185.**

12 The settlement conference statement shall be no longer than five (5) double-spaced
13 pages and it shall contain the following information:

- 14 1. A brief statement of the nature of the action.
- 15 2. A concise summary of the evidence that supports your theory of the case,
16 including information documenting your damages claims. You may attach to
17 your statement a limited number of documents or exhibits that are especially
18 relevant to key factual or legal issues.
- 19 3. A brief analysis of the key issues involved in the litigation.
- 20 4. A discussion of the strongest points in your case, both legal and factual, and a
21 frank discussion of the weakest points as well. The Court expects you to present
22 a candid evaluation of the merits of your case.
- 23 5. A further discussion of the strongest and weakest points in your opponents'
24 case, but only if they are more than simply the converse of the weakest and
25 strongest points in your case.
- 26 6. A history of settlement discussions, if any, which details the demands and offers
which have been made, and the reasons they have been rejected.
7. The settlement proposal that you believe would be fair.

1 8. The settlement proposal that you would honestly be willing to make in order to
2 conclude this matter and stop the expense of litigation.

3 The purpose of the settlement conference statement is to assist Judge Zive in
4 preparing for and conducting the settlement conference. In order to facilitate a meaningful
5 conference, your utmost candor in responding to all of the above listed questions is
6 required. The confidentiality of each statement will be strictly maintained and, following
7 the conference, the confidential statements will be destroyed. DO NOT SERVE A COPY
8 OF YOUR STATEMENT ON OPPOSING COUNSEL AND DO NOT DELIVER OR
9 MAIL THE STATEMENT TO THE CLERK'S OFFICE.

10 FAILURE TO APPEAR AT THE SETTLEMENT CONFERENCE COULD
11 RESULT IN THE IMPOSITION OF SANCTIONS. IF THE MATTER IS SETTLED
12 BEFORE THE SETTLEMENT CONFERENCE DATE, THE PARTIES MUST NOTIFY
13 THE SETTLEMENT CONFERENCE JUDGE'S CALENDAR CLERK SO THAT THE
14 MATTER CAN BE TAKEN OFF CALENDAR.

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16 PREPARED AND RESPECTFULLY SUBMITTED BY:

17 **LEWIS AND ROCA LLP**

18 By /s/ John Hinderaker (#018024)

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